

Bruce Levinson (BL-0749)  
Greg Brown (GB 1977)  
747 Third Avenue, 4<sup>th</sup> Floor  
New York, NY 10017-2803  
Telephone: (212) 750-9898

Lawrence H. Meuers (LM-3461)  
Steven M. De Falco  
Fla. Bar No. 0733571  
5395 Park Central Court  
Naples, FL 34109  
Telephone: (239) 513-9191

Attorneys for Defendant, Sharyland L.P.  
d/b/a Plantation Produce Company

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**THOMAS P. SOBIECH, ROBIN  
SOBIECH, NICHRI CORPORATION,  
PINE ISLAND GROUP, INC., GOTHAN  
RENOVATION GROUP, INC.,  
ORANGE COUNTY TRUST COMPANY,  
JOSEPH WU, SHARYLAND L.P. D/B/A  
PLANTATION PRODUCE COMPANY,  
M&M PACKAGING, INC., MELLON  
BANK, UNITED PENN BANK,  
PIETRZAK & PFAU ENGINEERING &  
SURVEING, PLLC, JOHN DOES NOS.  
1-10 and JANE DOES NOS. 1-10,**

**Defendants.**

**Case No.: 07-cv-6335 (CLB)(LMS)(WP)**

**ANSWER AND AFFIRMATIVE  
DEFENSES TO COMPLAINT**

**ECF Case**

Defendant, Sharyland L.P. d/b/a Plantation Produce Company ("Sharyland"),  
by and through its undersigned counsel and in accordance with the applicable rules of

this Court, files its Answer and Affirmative Defenses to Plaintiff's Complaint and states the following:

### **INTRODUCTION**

1. Sharyland is without sufficient knowledge or information to admit or deny the allegations set forth in ¶1. Therefore, Sharyland denies these allegations.

### **JURISDICTION AND VENUE**

2. Admits.

3. Admits.

### **THE PARTIES**

4. Sharyland is without sufficient knowledge or information to admit or deny the allegations set forth in ¶¶ 4-10, 12-16. Therefore, Sharyland denies these allegations.

11. Admits.

### **COUNT I - FORECLOSURE OF REAL ESTATE MORTGAGES**

17. Sharyland is without sufficient knowledge or information to admit or deny the allegations set forth in ¶¶17-32. Therefore, Sharyland denies these allegations.

33. Sharyland admits in part and denies in part the allegations set forth in ¶33. Sharyland admits that it has an interest in the property allegedly pledged by Thomas Sobiech, Robin Sobiech, and Nichris Corporation to Plaintiff. Sharyland is without sufficient knowledge or information to admit or deny the remaining allegations in ¶33. Therefore, Sharyland denies the remaining allegations.

**COUNT II - FORECLOSURE OF SECURITY AGREEMENTS**

34. Sharyland incorporates each and every response to the allegations set forth in paragraphs ¶¶1-33.

35. Sharyland is without sufficient knowledge or information to admit or deny the allegations set forth in ¶¶35-43. Therefore, Sharyland denies these allegations.

FOR THESE REASONS, Sharyland respectfully requests that this Court

- (a) Dismiss the Complaint, and
- (b) Grant such other relief as the Court seems just and proper.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

For its First Affirmative Defense, Sharyland asserts that any proceeds from the Plaintiff's foreclosure of the subject real property in excess of the amount of Sharyland's claim should be held in trust and distributed to Sharyland as lien holder in accordance to the Judgment recorded in the Office of the Clerk of Orange County on or about April 9, 2002.

**Second Affirmative Defense**

For its second affirmative defense, Sharyland reserves each and every affirmative defense which may become known or available throughout this proceeding.

//

//

Dated: September 6, 2007  
New York, NY

**LAW OFFICES OF BRUCE LEVINSON**

By: s/ Bruce Levinson

Bruce Levinson (BL-0749)  
Greg Brown (GB 1977)  
747 Third Avenue, 4th Floor  
New York, NY 10017  
Telephone: (212) 750-9898  
Facsimile: (212) 750-2536  
b.levinson@verizon.net  
gregory.brown@blevlaw.com

**Of Counsel:**

**MEUERS LAW FIRM, P.L.**

Lawrence H. Meuers (LM-3461)  
Steven M. De Falco.  
Fla. Bar No. 0733571  
5395 Park Central Court  
Naples, FL 34109  
Telephone: (239) 513-9191  
Facsimile: (239) 513-9677  
lmeuers@meuerslawfirm.com  
sdefalco@meuerslawfirm.com

**CERTIFICATE OF SERVICE**

A copy of the foregoing pleading has been served to all registered counsel of record through the Court's ECF system this Thursday, September 06, 2007.

By: s/ Bruce Levinson

Bruce Levinson (BL-0749)